



Dainius Virbickas, PE from Artel Engineering Group, said the applicants propose to remodel the existing four-family dwelling and to construct a new, almost 7,000 sq.ft. building containing ten units, in the rear of the property. They also propose to build a new paved driveway, two parking areas and a stormwater management system. The new driveway has been requested by the City Traffic Engineer. He referred to the elevation sketch saying there would be four units on the lower level and six on the upper level of the new building. All of this work will necessitate them putting in several retaining walls. They are providing 8,509 sq.ft. of open space which is more than what is required. And they are meeting the required parking with 31 regular plus 2 handicapped spaces. He said the contours of the land rise up from Division St. to the back of the lot, so they are working the new building into the slope. The site is currently lacking any storm drainage as is most of Division St. so they are proposing to install a stormwater management system which will result in a significant decrease in the rate of runoff. He said the landscaping plan still needs some work but they are looking at a modified plan tonight. This was prepared after the developer met with the neighbors so additional trees have been added along the rear property line and shutters also will be added to all sides of the building. He said the Building Dept. has signed off on the plans. The Fire Marshal still needs to see the fire flow analysis, but both the Engineering Dept. and the City Traffic Engineer have also signed off on the plans. They received the Planning Dept. comments today and will work with the Staff to address them. He offered to answer questions.

Chairman Finaldi asked if the parking in the front of the parcel will be dedicated to the existing structure. Mr. Virbickas said all of the parking will be shared throughout the development. Mr. Keller asked the distance between the rear property line to the neighbor's home. Mr. Virbickas said there is a 25 ft. setback to the property line, but he would need to scale out to the neighbor's house. Mr. Keller then asked why the trees were cut down before the site plan was approved. Mr. Virbickas said it was an error in communication between the developer and a subcontractor, but they are working with the landscape architect to try to add more plantings.

Mr. Manuel said he is most concerned about the topography. He wants to see the walls and how this development will look from the side. Mr. Virbickas reiterated that there is a 34 ft. grade change from the front to the rear of this site. He added that the driveway meets the grade requirement. Mr. Manuel said he would like to see a slice of the property down the middle and where the open space is located. Mr. Virbickas said they could prepare a cross-sectional view for the next meeting. He added that all cuts and grading meet City requirements. Mr. Manuel asked how high the various retaining walls are. Mr. Virbickas said none is over three feet in height except for the five foot one along the northern property line, which will make up for the elevation changes. Mr. Urice said the existing driveway appears to be shared. Mr. Virbickas said it is not, it just looks that way because it is so close to the property line. Mr. Urice asked which direction the storm drainage will go. Mr. Virbickas said all of the drainage will continue to flow south, with the main difference being that it will be contained in a pipe instead of running in the road. Mr. Urice then asked how many parking spaces in the front of the house. Mr. Virbickas said there are seven spaces. Mr. Urice asked why they are in the front of the house instead of behind it. Mr. Virbickas said there is not enough room behind the house for all of the required parking. He added that it presently does not even come close to meeting the parking requirements. Mr. Urice then asked about the comments in the staff report regarding the usability of the open space. Mr. Virbickas said those comments will be addressed, but it was supposed to be passive garden space. Mr. Keller asked if the lighting will be intrusive to the neighbors. Mr. Virbickas said the parking area will be illuminated but all of the lights will be shielded so as not to bother the neighbors. He said staff has asked for a more detailed lighting plan so there is more information coming on this issue. Mr. Keller asked why they cut the existing trees down when they would have fulfilled the requirement for a landscape buffer. Mr. Manuel said he is concerned about the adequacy of the new buffer with regard to the screening. Mr. Virbickas said the plantings are usually about five foot on center and about three feet wide, so when they are planted close together, they do create a screen. Mrs. Emminger said as a clarification, the Planning Department does prefer a 25 foot landscape buffer over a hedge.

At this point, Mr. Keller read another letter in favor of this project from Andrew Buzzi Jr. Attorney Collins then came forward asked that the hearing be continued and all of the letters in favor be put into the record. Mrs. Emminger noted that she had distributed some photos of the tree clearing to the members that she had received from Kelly Green in the City's Engineering Dept. She said she had printed the e-mail with the photos and put them into the file. Chairman Finaldi asked if there is any record of illegal dumping on this site. Mrs. Emminger said she would check with the Zoning Officer and the UNIT to see if that has been noted in their logs.

Chairman Finaldi asked if there was anyone to speak in opposition and several people came forward.

Robin Howell, 29 Pleasant St., said she has many issues with this proposal. Historically, this has been a multi-family neighborhood, but the new building they are proposing is monolithic. She said they should keep and renovate Victorian house to its original condition. She said many neighbors have been affected by them clearing the lot. The replacement landscaping should be a variety of trees and provide some much needed privacy. Any outside lighting should be on motion detectors so it is not on all night. She said the neighbors understand that the retaining walls are necessary because of the grade changes. They would like to see shutters on all sides of the building. They are also concerned about the additional noise and traffic. This is a neighborhood with lots of kids also so they would like assurance that none of the tenants will be registered sex offenders. They also want the garbage to be shielded since it is right next to the property line. In closing she asked that the City consider changing the zoning in this neighborhood to protect it from any further developments of this kind. She submitted a letter which was designated Exhibit B. Mr. Urice suggested that if she is really interested in pursuing a zone change, she should contact Corporation Counsel's office. Mrs. Emminger said actually the person she needs to talk to is the Planning Director, Dennis Elpern.

Deidre Klepage, 28 Pleasant St., said she agreed with Robin Howell's letter and is happy that the same concerns came up during the discussion. She said the applicant's first mistake was to clear the lot and chop all the trees down. She said the people on Pleasant St. have all worked hard to renovate their homes, so she would like to see this project maintain the existing Victorian home as it should be done.

Romolo DeGrazia, 38 Division St., read a letter he wrote into the record and submitted a copy of it (designated Exhibit C). He said he is glad that the Commission is asking the same questions as the neighbors are. He is opposed to the high density that they are proposing and thinks they should put in a landscape screen where all the trees were cut down. He said there should be more green space for each tenant and it should be flat. He said he does not want to see this turn out like Poplar Park where there are so many retaining walls that all you see is concrete all over the place. He said his biggest concern is that they are changing the character of the neighborhood to high density housing.

Tasha McFarland, 36 Division St, said she bought about a year and half ago and chose her house because of the neighborhood. She was disturbed to learn that the dynamics of neighborhood will change. One house between them already looks horrible with all the trees down. There will be no privacy and she expressed concern about noise, tenants and traffic. She is worried about privacy and concerned that as tenants the residents of this property just won't care about the place.

Max & Jamie Mobilia, 25 Pleasant St., said this is right in their back yard. They bought their house because they loved the privacy and now it all open. He said they had hoped that these units would be owned, not rented because owners would care about the place. He said they agree with what has already been said by the others in opposition. They had hoped that the developer might install a privacy fence along the rear property line as the proposed trees will not be enough. She added that their property slopes down so they will be looking over the trees. Right now there is nothing but

Chairman Finaldi said they have the staff report from Planning Director Dennis Elpern. Since this is exactly the same petition as the 2008 one, this is the same staff report with a cover sheet. Mrs. Emminger said the comments in Mr. Elpern's report have not changed because nothing about this situation has changed. Chairman Finaldi said the News-Times just did a Sunday spread on the most dangerous intersections in this area and this one was on that list. Mrs. Emminger said that article was speaking to congestion not traffic accidents. She added that the information in this article was accurate because it came from the State DOT. Mr. Manuel said this is still an intrusion into the residential zone. Mr. Urice then said this is a common sense application and the conclusion in the reports is inaccurate. He said until someone invests in this property, it will remain an eyesore. He said all of the arguments were the same as for the Tamarack Ave. re-zoning which was approved. This creates an inconsistency which bothers him. To say yes for one site but not in another is not right. He said he would vote in favor of this because it is the right thing to do for the City. Mrs. Emminger said Mr. Elpern's comments speak to the POCD and all of his comments are appropriate for a staff report that is going to both Commissions. Regarding the Tamarack Ave. re-zoning, it was changed from RA-20 to RH-3, which is still a residential zone and does not allow any commercial usage. The RH-3 zone was created to support the hospital as it allows for medical offices and residential uses. Mr. Urice said he was opposed to commercial being allowed there. Mrs. Emminger clarified this saying the original petition was to rezone from RA-20 to CG-20. Some doctors had bought an abutting parcel that was zoned RA and they wanted to use it in conjunction with their office for parking. That first petition was withdrawn because no one wanted the commercial to intrude into the residential. It was after that the second petition to rezone it to RH-3 was submitted. It solved the problem because RH-3 does not allow commercial development. Chairman Finaldi said they had received a letter from Attorney Neil Marcus requesting that they consider the long range development in this area when making their recommendation. Mrs. Emminger read the letter into the record. Chairman Finaldi reminded them that this is a referral; all they are doing is making a recommendation. Mr. Urice made a motion to give this a positive recommendation. Ms. Hoffstaetter seconded the motion (so they could vote on it). Chairman Finaldi did a roll call vote and the motion

for a positive recommendation was denied with four NAYS (from Mr. Keller, Mr. Manuel, Ms. Hoffstaetter and Chairman Finaldi) and one AYE (from Mr. Urice). Ms. Hoffstaetter then made a motion to give a negative recommendation for the same reasons as the previous positive recommendation. Mr. Manuel seconded the motion. Chairman Finaldi did a roll call vote and the motion for a negative recommendation was passed with four AYES (from Mr. Keller, Mr. Manuel, Ms. Hoffstaetter and Chairman Finaldi) and one NAY (from Mr. Urice).

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8-24 Referral/May 2010 CC Agenda Item #10 – Request for Water Extension at 53 Lake Ave. Ext. (#E15064).

Mrs. Emminger said this site is the Hyatt Building. It is located at the intersection of Lake Ave. Ext. and Crestdale Rd. next to the CVS and across the street from the Super Stop & Shop. She added that the Plan of Conservation & Development (POCD) does propose that this area be served by public water. She said the Dept. has no objection to the Commission giving this a positive recommendation with the standard conditions. She added that this site is currently served by well water, which limits what uses they can do in this building. Mr. Urice made a motion to give a positive recommendation subject to compliance with the standard City Engineering Dept. conditions and submission of plans and documents satisfactory to Corporation Counsel's office. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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Chairman Finaldi said there was nothing under Other Matters or Correspondence and under For Reference Only were listed two applications for Floodplain Permits and one public hearing scheduled for 6/2/10.

At 9:00 PM, Ms. Hoffstaetter made a motion to adjourn. Mr. Urice seconded the motion and it was passed unanimously.